

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

DR. MORGAN REYNOLDS ON BEHALF OF THE UNITED  
STATES OF AMERICA,

Plaintiff/Relator,

-against-

07 CIV 4612 (GBD)(DF)

SCIENCE APPLICATIONS INTERNATIONAL, CORP.;  
APPLIED RESEARCH ASSOCIATES, INC.; BOEING;  
NUSTATS; COMPUTER AIDED ENGINEERING  
ASSOCIATES, INC.; DATASOURCE, INC.; GEOSTAATS,  
INC.; GILSANZ MURRAY STEFICEK LLP; HUGHES  
ASSOCIATES, INC.; AJMAL ABBASI; EDUARDO  
KAUSEL; DAVID PARKS; DAVID SHARP; ANIELLE  
VENEZANO, JOSEF VAN DYCK; KASPAR WILLIAM;  
ROLF JENSEN & ASSOCIATES, INC.;  
ROSENWASSER/GROSSMAN CONSULTING  
ENGINEERS, P.C.; SIMPSON GUMPERTZ & HEGER, INC.;  
S.K. GHOSH ASSOCIATES, INC.; SKIDMORE, OWINGS &  
MERRILL, LLP; TENG & ASSOCIATES, INC.;  
UNDERWRITERS LABORATORIES, INC.; WISS,  
JANNEY, ELSTNER ASSOCIATES, INC.; AMERICAN  
AIRLINES; SILVERSTEIN PROPERTIES; AND UNITED  
AIRLINES,

Defendants.

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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS WISS, JANNEY  
ELSTNER ASSOCIATES INC. AND ROLF JENSEN & ASSOCIATES, INC.'s  
MOTION FOR SANCTIONS AGAINST RELATOR AND HIS ATTORNEY**

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**HINSHAW & CULBERTSON LLP**  
**Attorneys for Defendants**  
**WISS, JANNEY, ELSTNER ASSOCIATES, INC. and**  
**ROLF JENSEN & ASSOCIATES, INC.**  
**780 Third Avenue, 4<sup>th</sup> Floor**  
**New York, New York 10017**  
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### **PRELIMINARY STATEMENT**

Defendants WISS, JANNEY, ELSTNER ASSOCIATES, INC. ("WJE") and ROLF JENSEN & ASSOCIATES, INC. ("RJA") move for the imposition of sanctions, pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the False Claims Act ("FCA"), respectively, against Relator and his attorney, and hereby adopt and incorporate herein the arguments set forth in the motion papers submitted by co-defendants UNDERWRITERS LABORATORIES, INC. ("UL") and APPLIED RESEARCH ASSOCIATES, INC. ("ARA"). As more fully demonstrated therein, plaintiff's bizarre claims are without support, both factually and legally, and are made without a good faith basis to seek the extension, modification or reversal of existing law or the establishment of new law. For these reasons, plaintiff's Complaint must be dismissed.

### **STATEMENT OF FACTS**

Defendants refer the Court to co-defendants UL's and ARA's memorandum of law in support of their respective motions for sanctions for a full recitation of the facts and applicable law.

### **ARGUMENT**

#### **POINT I**

#### **DEFENDANTS WJE AND RJA JOIN DEFENDANTS UL'S AND ARA'S MOTIONS TO DISMISS ON THE SAME GROUNDS SET FORTH THEREIN**

Sanctions against Relator and his attorney are proper because, as more fully argued in the papers filed by co-defendants UL and ARA, his Complaint is not only barred statutorily by the "first to file" bar (§ 3730(b)(5) of the FCA) and the "public disclosure bar" (§ 3730(e)(4)(A) of the FCA), but also filed for the improper and sanctionable purposes of harassing defendants and promoting Relator's own conspiracy theories surrounding September 11, 2001. In essence, Relator has used this litigation as a forum for advertising his fantastical theories. The Court

should not allow Relator to continue this abuse of the judicial process. For these reasons, as more fully set forth in the motion papers submitted by co-defendants UL and ARA that are adopted and incorporated herein, WJE and RJA request that sanctions be imposed against Relator and his attorney.

**CONCLUSION**

For the foregoing reasons and as more fully set forth in the papers submitted by co-defendants UL and ARA in support of their respective motions for sanctions herein, it is respectfully requested that the Court grant sanctions against Relator and his attorney pursuant to Fed. R. Civ. P. 11 and § 3730(d)(4) of the FCA.

Dated: New York, New York  
February 5, 2008

HINSHAW & CULBERTSON LLP

By: 

Philip Totitou

Concepcion A. Montoya

Attorneys for Defendants

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